

## **An explosion of culture war laws is changing schools. Here's how.**

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A wave of new state laws meant to alter how students learn and the rights they have at school has taken effect across nearly half the country, a Washington Post analysis has found, as part of the rising battle over cultural values in American education.

Over the past three academic years, legislators in 45 states proposed 283 laws that either sought to restrict what teachers can say about race, racism and American history; to change how instructors can teach about gender identity, sexuality and LGBTQ issues; to boost parents' rights over their children's education; to limit students' access to school libraries and books; to circumscribe the rights of transgender students; and/or to promote what legislators defined as a "patriotic" education.

Of these, 64 bills have been signed into law across 25 states, whose populations together add up to roughly 42 percent of all Americans.

A plurality of the passed laws, 42 percent, bar transgender students from playing on sports teams that match their gender identities, The Post found. Laws limiting instruction on race, racism and history make up 28 percent of all passed laws. Legislation that restricts what teachers can discuss related to gender identity, sexuality and LGBTQ issues accounts for 23 percent of the passed laws. It is often up to state education agencies and school districts how to enforce the new provisions.

The burst of education laws around cultural and societal issues is unprecedented, said Houman Harouni, a Harvard lecturer who studies education. It suggests that both political parties in America are doubling down on the culture war, he said, using the education laws to signal their values to voters: While Republicans are proposing and passing the measures, Democrats are [loudly opposing](#) them. "This, to me, reads more like a PR campaign," Harouni said. "On either side, I don't really think this is about education" — although it will have real effects for [tens of millions of American children](#) in public schools.

The spike in legislation is due to a combination of factors, experts say, including the close look parents got at their children's education when it was offered online during the pandemic. Some grew discontented with what they saw, said Robert Pondiscio, a senior fellow at the right-leaning American Enterprise Institute, particularly when teachers referenced race and cultural issues where parents would have preferred to see a straightforward focus on academics.

Then Glenn Youngkin, a Republican, swept to the Virginia governorship in 2021 by campaigning to change education and give parents more control over lesson plans, Pondiscio said. Politicians everywhere sat up and took notice.

"So now, there's a sense among some conservatives that pushing this kind of legislation can actually win over swing voters," Pondiscio said. "A sense that attacking public education is an electoral winner." At almost exactly the same time, [The Post reported](#), a trio of conservative organizations — including the Alliance Defending Freedom, a right-leaning legal firm — began baselessly raising the alarm that educators and health-care workers are attempting to convert children to become transgender or queer, ultimately convincing Republican legislators nationwide to file [hundreds of bills](#) that restrict the rights of LGBTQ youths. Many of the bills affect health care, but some target schooling.

An overwhelming majority of the education laws The Post identified were proposed by Republicans, passed by Republican-dominated legislatures, signed into law by Republican governors and took effect in red states.

Pondiscio said he believes these measures are a necessary corrective to the recent sway that progressives have achieved in education, partly by training teachers to act as agents of social justice who encourage children to make the world a more equal place. A growing movement of conservative parents, politicians and pundits believe educators should remain focused on basic academics, Pondiscio said, and leave societal and cultural issues to parents.

“There’s always going to be a push and pull between professional educators and parents in a free country,” he said. “Right now the pendulum is coming back a little bit in the direction of parents.”

The Post obtained data on laws and bills affecting the culture wars by reviewing the public records of state legislatures nationwide, as well as by examining data sets of legislation compiled and maintained by [PEN America](#), [Freedom for All Americans](#), [EveryLibrary](#), [Women’s Liberation Front](#) and the [Movement Advancement Project](#). The Post then performed an independent, cumulative analysis of all data gathered.

Most of the legislation, in every category The Post identified, is restrictive in nature, erecting guardrails around what students can learn, read and do at school.

In one example, Arizona [passed a law in March](#) that prevents all K-12 transgender students from playing on school sports teams that do not align with their gender as assigned at birth. It states that [“one is either male or female”](#) and says allowing transgender students to join sports teams matching their identities would harm female athletes’ chances of success. Twenty-seven laws that accomplish such bans have now passed in 22 states, The Post found.

In another case, a [Florida law](#) that took effect on July 1 mandates that elementary schools must publish lists of all texts included in their libraries and makes it easier for parents to object to and remove books, classroom texts and lessons at all grade levels. This is one of 12 laws passed across 10 states that give parents more power over libraries or otherwise limit student access to library books due largely to concerns over sexually explicit material, The Post found.

In a third instance, [Tennessee passed a law in May](#) 2021 requiring school districts to notify parents any time school lessons are slated to include mention of gender identity or sexual orientation, and to allow parents to remove their children from the lessons. The Post found that 15 laws of this type — which generally circumscribe education on gender identity, sexuality and LGBTQ issues, or at least require increased parental oversight of such lessons — have so far passed in eight states.

And finally, a [law](#) adopted in Idaho [in April 2021](#) bars public schools from directing or compelling students to “personally affirm, adopt, or adhere to” what the bill lists as the tenets of “critical race theory,” including the idea “that individuals, by virtue of sex, race, ethnicity, religion, color, or national origin, are inherently responsible for actions committed in the past” by other people who look, pray, love or speak like them.

Critical race theory, a college-level academic framework that explores the effects of systemic racism, has become a catchall term used on the right to denigrate lessons that center on race. To date, 18 laws resembling the Idaho legislation have passed in 14 states, The Post found.

Although the wording of these laws varies, many mimic in intent and spirit a [2020 Trump administration memo](#) that outlawed federal employee trainings based on “critical race theory” or ones that promoted the notion that “the United States is an inherently racist or evil country or ... that any race or ethnicity is inherently racist or evil.”

Some of the education laws say state funding for schools can be withdrawn if schools are found in violation. Others make it easy for families to pursue complaints and litigation against school districts that break the laws. Some do not specify what the punishment for lawbreaking might be.

As a result, [many teachers have begun to self-censor in school](#), The Post has reported, restricting what they say about race and the darker parts of U.S. history. At least 160 educators have already resigned or lost their jobs because of fights over the appropriateness of instruction on race, history or LGBTQ issues, [a previous Post analysis showed](#).

John Chrastka, head of the nonprofit library advocacy group EveryLibrary, which is tracking legislation related to school libraries, noted that many of the laws he has studied seek to criminalize the work of school librarians, threatening them with fines and jail time for providing students with books that a parent finds objectionable.

Culture war legislation is “delegitimizing educators,” Chrastka said. “Whether through these laws or a classroom chilling effect or both, we’re going to have a very different approach to education in this country in a very short amount of time.”

But Kari MacRae, a former high school teacher in Massachusetts who [was fired from her job](#) after she published a TikTok video denouncing critical race theory, said educators should welcome legislation that prevents students from being taught that race is the most important factor in their lives.

MacRae, who is now running as a Republican for state Senate [on a platform of “transparency,”](#) said the history lessons of today — particularly those touching on slavery and the oppression of Native Americans — spend too much time rehashing sorrow and suffering, an emphasis she believes will weaken and depress students of color.

“Yes, we need to educate everybody and acknowledge the truths, but we also need to recognize that we need to move past it,” said MacRae, who is White. “There’s got to be a better way to acknowledge, move on, then make a stronger person.”

As classroom lessons shift in states with laws against critical race theory, districts that defy the mandates are facing punishment. In Oklahoma, the State Board of Education [voted this year to downgrade the accreditation of at least two school districts](#) for violating a law passed in early 2021 that [restricts discussion of race and sex in public schools](#).

One of those two systems, Tulsa Public Schools, is now “accredited with warning” after the State Department of Education determined in July that a district-hosted implicit bias training for teachers went against the law. Tulsa Schools Superintendent Deborah Gist said the downgrade is making it harder to recruit new teachers at a moment when her district, like schools nationwide, is struggling to mend a staff shortage. It has also unsettled school employees and students, she said, with some children asking whether the accreditation change will affect their ability to apply to colleges. (It won’t, Gist said.) “It puts us really on a cliff,” Gist said of the accreditation downgrade. “If anything else were to happen, whether it’s a fire drill issue or whatever it might be, then we could have huge implications for the district” — because the state board could demote her schools to the next level down in accreditation. That would mean funding cuts, or even state takeover of the system, Gist said.

Of all the categories of culture war education legislation included in The Post analysis, bills targeting transgender students’ participation in sports had the highest pass rate, with 60 percent of the 45 bills proposed in this category becoming law. Bills restricting what teachers can say about gender identity, sexual orientation and other LGBTQ topics also had a relatively high success rate, with 27 percent of the 55 bills proposed in this category becoming law.

The Post found a significant overlap between parents’ rights legislation and legislation restricting education on LGBTQ topics: 69 percent of bills proposed to boost parental rights over education also aimed to limit what teachers could say about gender identity, sexuality and LGBTQ issues.

All this means LGBTQ students are at special risk of immediate harm, said Aaron Ridings, chief of staff and deputy executive director for public policy and research at LGBTQ rights group GLSEN.

Ridings said the legislation will lead to greater harassment of LGBTQ students and will worsen their mental health as they lose the ability to see themselves reflected positively in their academic and social environments at school. Based on GLSEN's research, Ridings said, he expects these students' grades will also slip.

"There's a direct impact in terms of the type of content that is taught in classrooms and how safe a school is and how much young people are supported in those environments," Ridings said.

The sprawl and pace of culture war legislation is picking up, The Post analysis found. The number of laws passed increased between 2021 and 2022, The Post found, with an especially large uptick observed for laws targeting transgender participation in sports.

In Missouri, state Rep. John Wiemann (R) said he first became worried about the state of U.S. public schools three years ago, when constituents complained that a school district was teaching "very controversial" subjects. That led him to conduct his own research. He emerged gravely concerned that public educators are teaching what he called "revisionist history," offering unduly critical evaluations of historical figures such as Christopher Columbus and Thomas Jefferson.

To counter this, Wiemann has proposed two culture war laws. One is akin to a parents' bill of rights in education, he said, requiring school districts to provide parents greater insight into and control over curriculums. The second outlaws critical race theory. Both bills failed, and Wiemann will be leaving the state legislature next year after losing in the Republican primary in August. But his colleagues will continue the battle, he said, reintroducing legislation in favor of parents as many times as it takes.

"Thomas Jefferson, yeah he owned slaves, absolutely. But he was also a great person. And now, I mean, they are wanting to make him to be a bad guy," Wiemann said. "We have to stop this, [and] I do believe something will pass. Eventually."

Tim Cortrecht, an Indiana parent of three children who serves on the leadership team of parents' rights group [Arise America](#), said he is thrilled by the emergence of legislation like Wiemann's bills.

He wants to see more laws that eliminate "race-first teaching," that prevent mask and vaccine mandates in schools and that require parents to be shown lesson plans. He believes mothers and fathers should be able to withdraw their children from discussions of controversial or sexually explicit topics. Cortrecht said he was drawn into the fight for parental rights in May 2021, when his local school district proposed forming a diversity, equity and inclusion council and he grew suspicious.

"We've become complacent as a society. It's been blanket trust from parents to schools: Our kids go there to learn, they come home and we're good," he said. Because parents "weren't paying attention," Cortrecht said, liberal-leaning thinkers were able to slip radical, left-wing talking points into school lessons.

With the new laws, though, he is feeling "cautiously optimistic" for the first time in a while. "I like the general direction where things are going," he said.

But Keri Rodrigues, president of education advocacy group the National Parents Union, said the flood of legislation is actually not what most parents want right now, as schoolchildren nationwide struggle to recover from a [coronavirus](#) pandemic that inflicted major academic, emotional and mental harm. She pointed out that [national test scores in elementary school math and reading plummeted this fall to levels](#) not seen in decades.

Mothers and fathers are terrified that "our children don't know how to read and write," she said. A September Gallup poll found that [less than half of Americans — 42 percent — are satisfied](#) with the quality of the nation's K-12 schooling, marking the lowest score in that category in two decades. The

leading reason for dissatisfaction was concern over a lack of rigor in curriculum or teaching methods, Gallup found.

“We’re watching kids fall through the cracks in real time,” Rodrigues said, “while letting ourselves get distracted by this deeply political conversation that does nothing to get our kids where they need to be. It’s a tragedy.”